

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)
)
S.P. TRUCKING LLC,) Case No. 19-10521-BFK
) Chapter 11
Debtor.)

ORDER DISMISSING CASE WITH PREJUDICE

Before the Court is its Order to Show Cause why this bankruptcy case should not be dismissed with prejudice for an additional period of time and why further sanctions should not be imposed due to the Debtor filing the present case in violation of this Court's Order dismissing the Debtor's previous case and barring it from re-filing for a period of 180 days. Docket No. 12.

This is the Debtor's third bankruptcy case.¹ On December 13, 2018, the Court entered an Order dismissing the Debtor's previous bankruptcy case with prejudice to refiling another case for a period of 180 days. Case No. 18-13386-KHK, Docket No. 23.

On February 19, 2019, within the 180 day "with prejudice" period, the Debtor filed a Voluntary Petition under Chapter 11. Docket No. 1. On February 21, 2019, the Court entered an Order for the Debtor Designee to Appear and Show Cause why the Debtor's case should not be dismissed and why further sanctions should not be imposed. Docket No. 12. The Court set a hearing on its Order for March 12, 2019 at 11:00 a.m. The Debtor Designee did not appear at the March 12, 2019 hearing. The Court finds that the Debtor filed the present case in bad faith. Accordingly, for the reasons stated herein and on the record at the hearing, it is

The other cases are: 18-11185; 18-13386.

ORDERED:

1. This case is dismissed with prejudice to re-filing under any chapter of the Bankruptcy Code in this or any other court for a period of one year from the entry of this Order.
2. The automatic stay, as provided in § 362(a), shall not apply to any case filed by or against the Debtor, S.P. Trucking LLC, or by or against any assignee or transferee of the Debtor's property during the one-year period in which the Debtor is barred from filing.
3. If the Debtor violates the one-year bar from re-filing as stated in this Order, the Court will make a criminal referral to the U.S. District Court for contempt of court under 18 U.S.C. § 401(3)².
4. The Debtor is advised that it will have 14 days from the entry of this Order to appeal by filing a Notice of Appeal with the Clerk of the Bankruptcy Court.
5. The Clerk will mail a copy of this Order to the parties provided below.

Date: Mar 20 2019

Alexandria, Virginia

/s/ Brian F. Kenney

Brian F. Kenney
United States Bankruptcy Judge

Entered on Docket: March 21, 2019

² Section 401(3) provides: A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as—

(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

18 U.S.C. § 401(3).

Copies to:

S.P. Trucking LLC
c/o Samuel Palomino, Debtor Designee
7140 Taylor Road
Falls Church, VA 22043
Chapter 11 Debtor

Joseph A. Guzinski
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Assistant United States Trustee